



Uruguay

Country Reports on Human Rights Practices - [2004](#)

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The Oriental Republic of Uruguay is a constitutional republic with an elected president and a bicameral legislature. On October 31, in free and fair elections, Tabare Vazquez, leader of the Broad Front or Encuentro Progresista-Frente Amplio (EP-FA) coalition, won a 5-year presidential term. Vazquez was scheduled to assume office on March 1, 2005. The judiciary is independent.

The Interior Ministry administers the country's police departments and the prison system and is responsible for domestic security and public safety. The military is responsible for external security within the prison system. Civilian authorities exercised effective control over the security forces. Some members of the security forces committed some human rights abuses.

The economy, which continued its second year of recovery from a 4-year recession, is a mixture of private and state enterprises and is heavily dependent on agricultural exports and agroindustry. The country's population is estimated at 3.4 million. The leading exports are meat, leather, and rice. The unemployment rate was 12.5 percent. Although the economy grew at a rate of 11.3 percent, output remained far below pre-2003 recession levels. Inflation was 7.8 percent, compared with 19.4 percent in 2003. Real wages stabilized during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports of police violence, including abuse of prisoners in the jails and police stations; prison conditions remained poor; and court cases sometimes lasted for many years, resulting in lengthy pretrial detention. Violence against women, alleged discrimination against women and the Afro-Uruguayan minority, and trafficking in persons were problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings.

There were no new developments respecting the charges of aggravated homicide filed in June 2003 against former Minister of Foreign Affairs, Juan Carlos Blanco, in connection with the death of Elena Quinteros in 1976.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports of abuse of prisoners, many of which the Government investigated. The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. Human rights groups reported that police sometimes mistreated detainees. Detainees rarely filed complaints, but the Government investigated those complaints that were filed.

Conditions in prisons were poor and deteriorated during the year. There were numerous reports of abuse of prisoners inside the prison system. An investigation into a claim that a guard at the Libertad Prison tortured two prisoners accused of raping children remained pending at year's end. Human rights groups and an organization of the families of prisoners alleged that prisoners were routinely beaten during processing and during searches; that food, bedding, and clothing were of poor quality and insufficient quantity; and that access to medical care was poor. Poor sanitation was blamed for an outbreak of bacterial infection

among prison inmates.

Overcrowding continued due to budget problems and stronger minimum sentencing guidelines adopted during the 1990s. The prison population stabilized during the year, but there were approximately 7,000 prisoners in prison facilities designed to hold only 2,940, which caused sanitation, social, and health problems in the major facilities. The Libertad prison, badly damaged in a riot in 2002, continued to house hundreds of prisoners, despite its official capacity of zero. As a temporary solution, the Government held some of the overflow prisoners in modified shipping containers. To alleviate overcrowding, the Government used modular cells to house the most dangerous inmates at the Libertad facility; the cells lacked running water and posed sanitation problems.

In addition to overcrowding, the penal system suffered from understaffing and corruption. Prisoners were not always separated according to the severity of their crimes. Narcotics, weapons, and cell phones were smuggled into several facilities, allegedly with official collusion. Family visitation, in which family members provide food to supplement a prisoner's diet, was allowed, but it was made difficult as the family members were subjected to invasive searches, sometimes under unhygienic conditions.

According to press reports and the regional AIDS rights organization, Asociacion de Ser Positivo, the majority of prisoners infected with HIV and AIDS did not receive adequate treatment or medication. Disease transmission rates and the extent of the infection within the inmate population were unknown.

Female prisoners were held in separate facilities from male prisoners with the exception of the Artigas Prison, in which women were housed in a separate facility within the prison. In general, conditions for female prisoners were significantly better than for male prisoners due to the small population and the availability of training and education opportunities.

Minors were held in institutions operated by the National Institute for Adolescents and Children (INAU). Juveniles who committed serious crimes were incarcerated in juvenile detention centers, which resemble traditional jails and have cells. Conditions in some of these facilities were as bad as in the adult versions, with some youths permitted to leave their cells only 1 hour per day.

Juvenile offenders who were not considered to pose a threat to society were placed in halfway house facilities, oriented towards rehabilitation. These facilities provided educational, vocational, and other opportunities, and the juvenile offenders were able to enter and leave without restriction.

Pretrial detainees were not held separately from convicted prisoners.

Unlike in the previous year, the Government permitted general prison visits by independent human rights observers as well as inmate visitation and visits from foreign diplomats.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice. The law requires the police to have a written warrant issued by a judge before making an arrest (except when the police apprehend the accused during commission of a crime), and the authorities generally respected this provision in practice.

The National Police numbered approximately 30,000 officers with broad jurisdiction under the direction of the Ministry of Interior. The police have a hierarchical structure with the Chief of Police, Director of Intelligence Unit, and Director of the Drug Unit reporting to the Vice Minister of the Interior. The Minister of Interior attempted to reform the police by creating a service mentality and moving toward a community-policing model; however, low salaries resulted in petty corruption and officers taking second jobs to support their families. New police officers earned \$169 (4,480 pesos) per month, and 15-year veterans earned \$235 (6,230 pesos) per month.

An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it was understaffed and only could issue recommendations for disciplinary action. Ministry of Interior authorities responded promptly to accusations of alleged police brutality. Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes were separated from active service until a court resolves their cases. The law requires a proportional use of force by the police and the use of weapons only as a last resort, and this law was respected in practice.

The Constitution provides the accused with the right to a judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. The law stipulates that confessions obtained by the police before a detainee appears before a judge and attorney (without the police present) have no validity. Further, a judge must investigate any detainee claim of mistreatment.

If the detainee cannot afford a lawyer, the courts appoint a public defender. If the crime carries a penalty of at least 2 years in prison, the accused person is confined during the judge's investigation of the charges unless the authorities agree to release the person on bail (which seldom happens). As a result, between 60 and 65 percent of all persons incarcerated were awaiting a final decision in their case. However, only those committing more serious crimes were actually jailed while waiting for the judge to

investigate charges. The majority of persons facing charges were not jailed. The length of time an accused spends in jail pending trial also varied depending on the complexity of the case and the size of the judge's docket. The uncertainty respecting length of imprisonment contributed to tension in the prisons.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Supreme Court heads the judiciary system and supervises the work of the lower courts. Criminal trials are held in a court of first instance. Aggrieved parties have a right of appeal to the Appellate Court but not to the Supreme Court. A parallel military court system operates under a Military Justice Code. Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial proceedings usually are based on written arguments to the judge, which normally are not made public. Only the judge, prosecutor, and defense attorney have access to all documents that form part of the written record. Individual judges may hear oral arguments at their option. Most judges choose the written method, a major factor slowing the judicial process. Defendants enjoy a presumption of innocence. Either the defense attorney or the prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these provisions in practice and did not restrict academic freedom; however, the authorities may abridge these rights if persons are deemed to be inciting violence or "insulting the nation."

The Inter American Press Association reported that at least 15 journalists and 3 media outlets were subject to criminal prosecution for news and opinions published in the course of their work as journalists. Two of these journalists and one media outlet were forced to publish court rulings, and one journalist, who received a 10-month suspended prison sentence, remained under police supervision pursuant to a court order. In addition, 10 journalists and 4 media outlets were sued in civil court for news and opinions published in the course of their work as journalists. Four of these reporters and one media outlet were ordered to pay damages even though the accuracy of the published information was not challenged.

The independent media were active, and all elements of the political spectrum freely expressed their viewpoints in both print and broadcast media. However, human rights activists and journalists alleged that state enterprises such as the telephone and electric companies on occasion withheld advertising from independent media that were critical of the Government and favored media friendly to the Government with extensive paid advertising.

The law provides for free expression and communication of thoughts and opinions, within the limits contained in the Constitution, and it outlines methods of responding to "inexact or aggravating information." The law provides for between

3 months' and 2 years' imprisonment for "knowingly divulging false news that causes a grave disturbance to the public peace or a grave prejudice to economic interests of the State" or for "insulting the nation, the State, or their powers." The authorities rarely used this law and did not do so during the year.

Access to the Internet was available and unrestricted.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is a strict separation of church and state, and religious instruction in public schools is prohibited.

In April, anti-Semitic and pro-Nazi statements were painted in and around Jewish cemeteries. Authorities quickly painted over the graffiti, and no arrests were made. There were no developments in the case of three juvenile skinheads indicted on charges related to anti-Semitic harassment in 2002.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution provides that in extreme cases of national emergency an individual may be given the option to leave the country as an alternative to trial or imprisonment; however, this option has not been exercised for at least 2 decades.

The law provides for the granting of refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status and grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. An interagency refugee review commission established in 2003 has granted refugee status in 9 of the 10 cases it has reviewed. The Government granted temporary protection in cases in which an applicant's claims were verified by the UNHCR. The Government continued to cooperate with international organizations to provide temporary residence to human rights advocates who claimed that they were subject to persecution in their home country; if still at risk after 1 year, the person may apply for refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a multiparty democracy with mandatory voting for those 18 years of age or older. The Colorado party, the Blanco party, and the Broad Front coalition are the major political groupings.

On October 31, in free and fair elections, Tabare Vazquez, leader of the EP-FA coalition, won a 5-year presidential term with an absolute majority in first-round balloting. The EP-FA won 16 of 30 seats in the Senate and 52 of 99 seats in the Senate. President-elect Vazquez was scheduled to take office on March 1, 2005. The election marked an end to the domination of the traditional Blanco and Colorado parties; it was also the first time in 50 years that any party has won an absolute majority in Congress.

Women participated actively in the political process and government, although primarily at lower and middle levels. Three of 30 senators and 11 of 99 deputies were women. None of the 13 cabinet ministers were women; however, President-elect Vazquez nominated 2 women to serve in his cabinet. With the exception of an alternate deputy, there were no Afro-Uruguayans in Congress.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution and the law prohibit discrimination based on race, sex, religion, or disability; however, societal discrimination against some groups existed.

Women

Violence against women continued to be a problem. The nongovernmental organization (NGO) National Follow-Up Commission-Women for Democracy, Equality and Citizenship reported that a woman died every 9 days as a result of rape or domestic violence. The law provides for sentences of 6 months to 2 years in prison for a person found guilty of committing an act of violence or of making continuing threats to cause bodily injury to persons related emotionally or legally to the perpetrator. The state owned telephone company provided a free nationwide hotline answered by trained NGO employees for victims of domestic violence. The Criminal Code covers spousal abuse and spousal rape, although criminal charges rarely were initiated for those

crimes.

A government office of assistance for victims of domestic violence trained police on how to resolve complaints of violence against women. A directorate within the Ministry of Interior continued a public awareness campaign about domestic violence and operated community assistance centers where abuse victims received information and referrals to government and private organizations in their area that aid abused women. Both the Ministry of Interior and NGOs operated shelters in which abused women and their families could seek temporary refuge.

The law prohibits sexual harassment in the workplace; however, few such complaints were filed, a circumstance attributed to a lack of understanding by women of their rights.

Women enjoyed equality under the law in the workplace but faced discrimination stemming from traditional attitudes and practices; however, there never have been any cases brought under the law. The workforce exhibited some segregation by gender. Women, who made up almost one-half the workforce, tended to be concentrated in lower-paying jobs. Women's salaries averaged two-thirds those of men, continuing a gradual improvement with respect to pay equity. Approximately 60 percent of the students at the public university were women. Women often pursued professional careers but were underrepresented in traditionally male-dominated professions.

A small institute in the Ministry of Education coordinated government programs for women. There were a number of active women's rights groups, and many of their activities remained centered on follow-up to the platform of action of the 1995 U.N. Conference on Women.

Children

The Government generally is committed to protecting children's rights and welfare, and it regarded the education and health of children as a top priority. INAU oversees implementation of the Government's programs for children. The Government provided free compulsory kindergarten, primary, and secondary education, and 95 percent of children completed their primary education. Girls and boys were treated equally. Free education was available through the undergraduate level at the national university.

There is no societal pattern of abuse of children. Minors under the age of 18 are not subject to criminal trial but receive special treatment with special judges and, when sentenced, stay in institutions run by INAU for the period determined by the judge; these institutions emphasized the rehabilitation of minors. INAU maintained an extensive network of programs, including shelters for at-risk children. INAU also operated a confidential hotline for children who were victims of domestic abuse.

Health care is free for all citizens, and the Government, with the help of UNICEF, has undertaken a program to educate parents regarding the need for regular checkups and immunization.

Although there were few substantiating statistics, polls and arrests of children participating in sexual work indicated that child prostitution existed (see Section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in children and adolescents; however, there were some cases involving trafficking of women and child prostitution.

In November, following Senate approval of bills approved by the Chamber of Deputies in 2003, two antitrafficking laws took effect: The law to Combat Commercial and Noncommercial Sexual Exploitation of and Violence Against Children and Adolescents and the law to Combat Child Pornography and Prostitution. These laws criminalize trafficking in persons and provide penalties ranging from 6 months' to 12 years' imprisonment. Prostitution is legal for persons over the age of 18, and there is no law specifically prohibiting participation by minors. Suspected traffickers have been prosecuted on charges of corruption, conspiracy, fraud, and other felonies. The Ministry of the Interior has primary responsibility for investigating trafficking cases.

The country was a source for trafficked persons, and internal trafficking was a problem. There were no reliable estimates on the number of women who worked as prostitutes abroad (generally in Europe and Australia) or on the proportion that were induced into such work by fraud or were subjected to conditions approaching servitude. Some foreign prostitutes entered the country, but irregular border controls limited the collection of such trafficking statistics. Officials believed that trafficking mostly affected women between the ages of 18 and 24. In the only reported case during the year, a man remained in preventive custody awaiting extradition to Italy for luring 13 Uruguayan women to Italy, where they were forced into the sex trade.

According to the Casa de los Ninos, commercial sexual exploitation of children between the ages of 11 and 15 occurred mostly in the states bordering Brazil and Argentina. Authorities believed that this trafficking was specifically for prostitution and pornography. There also was concern about possible child prostitution rings in Montevideo and the resort areas of Punta del Este and Maldonado, where taxi drivers or hotel staff may be involved. There were isolated reports of prostitution by boys. Anecdotal evidence indicated that, in recent years, child prostitution has increased, especially in the interior of the country.

Children's rights NGOs and the media received reports that minors resorted to prostitution as a means of survival or to provide assistance to their families in rural areas where unemployment was more than 20 percent.

INAU provided funding for a number of NGOs that have programs to assist homeless children and victims of trafficking. A number of NGOs offered treatment for victims of trafficking and others provided shelter, food, or education.

Early in the year, the Government established the Interdepartmental Commission for the Prevention and Protection of Children Against Sexual Exploitation that cooperated with INAU in creating a national plan of action, which included protection measures for victims and witnesses.

In response to an increase in the incidence of sexual exploitation, the Ministry of the Interior created an office to prevent such crimes. The office conducted research on trafficking in persons and Internet child pornography, assisted in creating a binational antitrafficking commission with Brazil, and investigated two cases involving child prostitution that were prosecuted successfully and resulted in jail sentences. At year's end, it was pursuing a child pornography investigation involving a British citizen's alleged efforts to recruit adolescents for use in pornography.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services.

A national disabilities commission oversees implementation of a law on the rights of persons with disabilities. Although the law mandates accessibility for persons with disabilities only to new buildings or public services, the Government provided access to a number of existing buildings. The law reserves 4 percent of public sector jobs for persons with disabilities. The country has a generally excellent mental health system and an interest in the rights of persons with mental disabilities.

National/Racial/Ethnic Minorities

The country's Afro-Uruguayan minority, estimated at nearly 6 percent of the population, continued to face societal discrimination. The latest available information on the extent of discrimination was a 1999 study by the NGO Mundo Afro, which found that the illiteracy rate among black women was twice the national average, that the percentage of black women who had pursued higher education was one-third that of the general population, and that one half of Afro-Uruguayan women worked as household domestics. Afro Uruguayans were practically unrepresented in the bureaucratic and academic sectors. During the year, Mundo Afro received 20 complaints of discrimination; however, Mundo Afro stated that most instances of discrimination were not reported.

Section 6 Worker Rights

a. The Right of Association

The Constitution states that laws should promote the organization of trade unions and the creation of arbitration bodies; however, there is almost no legislation specifically entitling workers to form and join unions of their choice. Unions traditionally organized and operated free of government regulation. Civil servants, employees of state-run enterprises, and private enterprise workers may join unions. Unionization was high in the public sector (more than 80 percent) and low in the private sector (under 5 percent). Labor unions were independent of political party control but traditionally associated more closely with the left-of-center Broad Front political coalition.

A Ministry of Labor's Collective Bargaining Division, which investigates antiunion discrimination claims filed by union members, has received no such claims since 2000. Labor unions have complained that some businesses encouraged formation of worker cooperatives, which served to reduce their labor costs.

There are mechanisms for resolving workers' complaints against employers, but unions complained that courts sometimes applied these mechanisms arbitrarily. Unions maintained that organizers were dismissed for fabricated reasons, thus allowing employers to avoid penalties under the law.

There are no laws expressly prohibiting antiunion discrimination, but a 1993 executive decree established fines for employers engaging in antiunion activities. The law does not require employers to reinstate workers fired for union activities and does not require employers to pay an indemnity to such workers. In cases of legal challenges by union members for unlawful firings, courts tended to impose indemnity levels that were higher than those normally paid to dismissed workers.

b. The Right to Organize and Bargain Collectively

The Constitution provides workers with the right to strike, and workers exercised this right in practice.

The Government may legally compel workers to work during a strike if they perform an essential service, which, if interrupted, "could cause a grave prejudice or risk, provoking suffering to part or all of the society."

Collective bargaining between companies and their unions determines a number of private-sector salaries. The executive branch, acting independently, determines public-sector salaries.

All labor legislation fully covers workers employed in the eight special export zones. There were no unions in these zones because the few workers employed were not in traditionally organizable occupations, that is, one in which a number of workers are employed in a nonprofessional capacity.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The Child Labor Code protects children, and the Ministry of Labor and Social Security is responsible for enforcing this law. Enforcement has proven difficult due to a lack of resources and the fact that the majority of child labor was in the informal sector (which accounted for 40 percent of total employment in the country). Some children worked as street vendors in the expanding informal sector or in agricultural activities, areas that generally were regulated less strictly and where pay was lower than in the formal sector. The law prohibits minors under the age of 15 from working, and this was generally enforced in practice. Minors between the ages of 15 and 18 require government permission to work, and such permission is not granted for dangerous, fatiguing, or night work. All workers under age 18 must undergo a physical examination to identify job-related physical harm. Children between age 15 and 18 may not work more than 6 hours per day within a 36-hour workweek and may not work between 10 p.m. and 6 a.m.

Permission to work is only granted to minors who have completed 9 years of compulsory education or who remain enrolled in school and are working toward completing the period of compulsory education. Controls over salaries and hours for children are stricter than those for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. A program by INAU and an NGO to provide food vouchers of \$38 (1,000 pesos) per month to parents who take their children off the streets and send them to school continued during the year. This amount approximated what a child might earn working on the street.

e. Acceptable Conditions of Work

The Ministry of Labor enforces a legislated minimum monthly wage that covers both the public and private sectors. The Ministry adjusts the minimum wage whenever it adjusts public sector wages. The minimum wage, set in September at approximately \$49 (1,300 pesos) per month, functions more as an index for calculating wage rates than as a true measure of minimum subsistence levels, and it did not provide a decent standard of living for a worker and family. The vast majority of workers earned more than the minimum wage.

The standard workweek is 48 hours in industry and 44 hours in commerce, with a 36-hour break each week. The law stipulates that industrial workers receive overtime compensation for work in excess of 48 hours and that workers are entitled to 20 days of paid vacation after a year of employment.

The law protects foreign workers and does not discriminate against them. However, to receive official protection, the companies that employ foreign workers must report them as employees. Many workers--both native and foreign--worked off the books and thus forfeited certain legal protections.

The Ministry of Labor and Social Security enforces legislation regulating health and safety conditions in a generally effective manner. However, some of the regulations cover urban industrial workers more adequately than rural and agricultural workers. Workers have the right to remove themselves from what they consider hazardous or dangerous conditions without jeopardy to their employment.